

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of the
Nation Safe Drivers Employee Stock
Ownership Plan, and on behalf of a class
of all other persons similarly situated,

Plaintiff,

v.

WILMINGTON TRUST, N.A., as
successor to Wilmington Trust
Retirement and Institutional Services
Company, MICHAEL SMITH, and
FRANK MENNELLA,

Defendants,

and

WILMINGTON TRUST, N.A., as
successor to Wilmington Trust
Retirement and Institutional Services
Company,

Third-Party Plaintiff,

v.

STOUT RISIUS ROSS, INC. and
STOUT RISIUS ROSS, LLC,

Third-Party Defendants.

C.A. No. 19-1193-CFC

**PLAINTIFF'S UNOPPOSED MOTION TO EXCEED PAGE AND WORD
LIMITATIONS WITH RESPECT TO HER UNOPPOSED MOTION AND
INCORPORATED MEMORANDUM OF LAW FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

Pursuant to Fed. R. Civ. P. 7 and D. Del. LR 7.1.3, Plaintiff Kristina Fink, on behalf of the Nation Safe Drivers Employee Stock Ownership Plan, and on behalf of a class of all other persons similarly situated (the “Plaintiff”), submits this unopposed¹ motion to exceed the page and word limitations set forth in the Local Rules and this Court’s Standing Order for her forthcoming Unopposed Motion and Incorporated Memorandum of Law for Preliminary Approval of Settlement (the “Memorandum”). In support of her motion, Plaintiff asserts the following:

1. The parties have reached a proposed class settlement of this ERISA lawsuit.
2. The parties’ proposed settlement comes at a time when the Court has only been presented with Plaintiff’s Complaint.
3. Plaintiff believes that the Court would be aided by a more fulsome account of the dispute and proposed settlement as it weighs the proposed class settlement.
4. D. Del. LR 7.1.3(a)(4) provides that: “No opening or answering brief shall exceed 20 pages, and no reply brief shall exceed 10 pages, in each instance exclusive of any table of contents or table of citations.”

¹ Pursuant to D. Del. LR 7.1.1, the undersigned identifies that this motion is unopposed.

5. This Court's Standing Order Regarding Briefing in All Cases, Page/Word Limitations provides that: "Where page limits are specified by local rule, the parties shall use a word-count limit. For each page allowed by local rule, the parties shall use up to 250 words." (the "Standing Order").

6. The anticipated unopposed Memorandum has approximately 8,528 words. The Memorandum presents the relevant factual background and legal arguments needed to obtain the Court's preliminary approval of the settlement in this proceeding.

7. Plaintiff respectfully submits that allowing her unopposed Memorandum to exceed the page/word limitations set forth in D. Del. LR 7.1.3(a)(4) and this Court's Standing Order is well-founded because the additional words will assist the Court with its consideration and adjudication of the proposed class settlement.

WHEREFORE, for the foregoing reasons, the Plaintiff respectfully requests that the Court enter an order, substantially in the form attached hereto, granting her permission to exceed the page and word limitation set forth in the Local Rule and the Standing Order.

Dated: May 28, 2021

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